

HOUSE BILL 790  
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 53; Title 63 and Title 71, relative to offenses  
involving prescription drugs obtained from the  
TennCare program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 26, is amended by  
adding the following as a new section:

71-5-2604.

(a) A person commits an offense by knowingly selling or otherwise conveying for  
gain any prescription drug obtained by prescription through the TennCare program to  
another person. The provisions of this section shall not apply to pharmacists and their  
staff engaged in the normal course of their lawful business.

(b) A violation of subsection (a) is a Class D felony.

(c) An offense under this subsection (a) is a Class D felony unless the value of  
the prescription drugs obtained meets the threshold set for a Class B or Class C offense  
under § 39-14-105, in which case the appropriate higher class shall apply.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.